

Date: June 29, 2005 I hereby certify that, on the date indicated above, I deposited this paper with identified attachments and/or fee with the U.S. Postal Service and that it was addressed for delivery to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by "First Class Priority Mail" service.

Donald S. Prater
Name (Print)

Donald S. Prater
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	HABECKER et al.)	Examiner:	Ngoclan Thi MAI
)		
Application No.:	10/770,895)		
)	Group Art Unit:	1742
Filed:	February 3, 2004)		
)		
Docket No.:	99024CIPDIV2 (3600-234-03))	Confirmation No.:	1073

For: METHOD OF MAKING NIOBIUM AND OTHER METAL POWDERS

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 CFR 1.97(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 29, 2005

Sir:

The attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached Form PTO/SB/08. Pursuant to the current United States Patent and Trademark Office rules, no copies of U.S. Patents/Patent Application Publications are provided.

This Second Supplemental Information Disclosure Statement is being submitted after expiration of the three-month period following filing of the above-captioned application, but before an Office Action on the merits and before any Final Office Action or Notice of Allowance.

Should a first Office Action cross in the mail with the filing of this Second Supplemental Information Disclosure statement, then applicants respectfully petition under 37 C.F.R. § 1.97(c) to consider the documents set forth in the Second Supplemental Information Disclosure Statement.

The above information is presented so that the Patent and Trademark Office can, in the first instance, determine any materiality thereof to the claimed invention. See 37 CFR 1.104(a) and

Second Supplemental Information Disclosure Statement
U.S. Patent Application No. 10/770,895

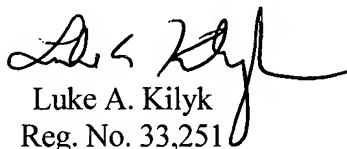
1.106(b) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the documents cited in the attached Form PTO/SB/08 be made of record therein and appear on the first page of any patent to issue therefrom.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in this application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 03-0060.

Respectfully submitted,


Luke A. Kilyk
Reg. No. 33,251

Atty. Docket No.: 99024CIPDIV2 (3600-234-03)
KILYK & BOWERSOX, P.L.L.C.
53 A East Lee Street
Warrenton, VA 20186
Tel.: (540) 428-1701
Fax: (540) 428-1720
Enclosures: PTO/SB/08 w/ 4 documents

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1

of

2

Complete if Known

Application Number	10/770,895
Filing Date	February 3, 2004
First Named Inventor	HABECKER et al.
Art Unit	1742
Examiner Name	Ngoclan Thi Mai
Attorney Docket Number	99024CIPDIV2 (3600-234-03)

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached. Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/770,895
				Filing Date	February 3, 2004
				First Named Inventor	HABECKER et al.
				Art Unit	1742
				Examiner Name	Ngoclan Thi Mai
				Attorney Docket Number	99024CIPDIV2 (3600-234-03)

[illegible]

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